

**Appl. No.** : **09/826,607**  
**Filed** : **April 5, 2001**

### **REMARKS**

The October 6, 2004 Office Action was based upon pending Claims 1-39. This Amendment amends Claims 1, 14-16, 18, 21, 22, 26-29, 31, 33-35, and 39 and adds new Claims 40-52. Thus, after entry of this Amendment, Claims 1-52 are pending and presented for further consideration.

In the October 6, 2004 Office Action, the Examiner rejected Claims 1-8, 13-21, 26-34 and 39 under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,457,076 to Cheng, et al. ("the Cheng patent").

Further, Claims 9-11, 22-24, 35, 36 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Cheng patent in view of U.S. Patent No. 6,574,618 to Eylon, et al. ("the Eylon patent").

#### **Examiner Interview**

Applicant would like to thank the Examiner for the interview extended to Applicant's counsel of record, John R. King, and client's representative Clay Cover on December 8, 2004. During the interview, the Examiner agreed that the proposed amendments to Claim 1 distinguished Claim 1 from the cited references. Reconsideration of the pending claims, as amended, is therefore respectfully requested.

#### **Rejection of Claims 1-8, 13-21, 26-34 and 39 under 35 U.S.C. §102(e)**

The Examiner rejected Claims 1-8, 13-21, 26-34 and 39 under 35 U.S.C. §102(e) as being unpatentable over the Cheng patent.

In one embodiment of the invention, the system substitutes certain file modification data with parameter data. In this example, an embodiment substitutes certain file path modifications made in a registry, with parameterized data. This parameterized data is then used to create a data set suitable for streaming over a network such that streamed portions of the application are capable of executing on a remote computer prior to the entire application being streamed over the network.

**Appl. No.** : **09/826,607**  
**Filed** : **April 5, 2001**

The Cheng patent, in contrast, does not use system modification data to create a data set suitable for streaming over a network. Rather, the Cheng patent appears to disclose the monitoring of system changes resulting from the installation of a software update (see column 8, line 62 through column 9, line 16). Furthermore, the Cheng patent does not appear to teach the concept of replacing the changes with parameterized data that is suitable for streaming over a network.

Furthermore, the Eylon patent also does not appear to disclose the concept of substituting changes made to a registry with parameterized data that is suitable for streaming.

With this in mind, independent Claims 1, 14 and 27 have been amended to clarify that the parameterized registry modifications comprises certain file paths that have been replaced by parameters that are recognizable by a client. Therefore Applicant respectfully asserts that independent Claims 1, 14 and 27 are patentably distinct from the cited references.

Dependent Claims 2-8, 13, 15-21, 26, 28-34 and 39 which depend respectively from independent Claims 1, 14 and 27 are believed to be patentable for the same reasons articulated above with respect to Claims 1, 14 and 27, and because of the additional features recited therein.

#### **Rejection of Claims 9-11, 22-24, 35, 36 and 37 under 35 U.S.C. §103(a)**

The Examiner rejected Claims 9-11, 22-24, 35, 36 and 37 under 35 U.S.C. §103(a) as being unpatentable over the Cheng patent in view of U.S. Patent No. 6,574,618 to Eylon, et al. ("the Eylon patent").

Claims 9-11, 22-24, 35, 36 and 37 depend respectively from independent Claims 1, 14 and 27 are believed to be patentable for the same reasons articulated above with respect to Claims 1, 14 and 27, and because of the additional features recited therein.

#### **New Claims 40 – 52**

New Claims 40-52 are similar to the program storage medium claims but are directed aspects of the inventive method. Thus, Claims 40 – 52 are believed to be patentable for the same reasons articulated above.

Appl. No. : 09/826,607  
Filed : April 5, 2001

### Supplemental Information Disclosure Statement

Submitted concurrently herewith is a Supplemental Information Disclosure Statement with new references which recently came to Applicant's attention. While the Applicant does not believe that these references will affect the patentability of the pending claims, Applicant respectfully requests the Examiner to consider the pending claims in connection with these references in order to make them of record.

### Conclusion

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/21/04

By: John R. King  
John R. King  
Registration No. 34,362  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

H:\DOCS\JRK\JRK-9207.DOC:ad  
122004